

Docket No. 372106-337559 (102)
US App. No. 10/616,731

REMARKS

Claims 1-33 are currently pending in this application. Claims 1-16 and 21-29 have been withdrawn from consideration. Claims 17 and 30 have been amended. No new matter has been added. Support for the amended claims can be found in the specification on page 24, lines 21-23 and on page 29, line 25 through page 30, line 11.

The following remarks put the pending claims in condition for allowance. Applicants respectfully request reconsideration and the timely allowance of the pending claims.

35 USC § 102(e) Rejection by Yamada et al. or Kurosawa et al.

Claims 17 and 30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Yamada et al., U.S. Patent No. 6,737,118, (hereinafter "Yamada") or in the alternative by Kurosawa et al., U.S. Patent No. 6,410,151, (hereinafter "Kurosawa").

Applicants respectfully traverse this rejection. As currently amended, the claimed invention is drawn towards a silica-based organic film obtained by a method including the step of baking a coating film at a temperature of from 680 °C to 750 °C. This high temperature baking imparts the organic film with improved properties compared to prior art films that are baked at a lower temperature. Specifically, the instant invention exhibits superior resistance to hydrofluoric acid etching, increased density, and reduced degassing due to atmospheric temperature increase. As such, the baking temperature represents a structural limitation of the organic film and thus the prior art must teach this same baking temperature in order to anticipate the claimed invention or render it unpatentable.

Yamada teaches an organic film obtained by a method including the step of baking a coating film at temperature between 350 °C and 650 °C. At line 15 of column 13, Yamada discloses "If it [the heat treatment temperature] is above 650 °C, all of the organic groups will decompose, so that the moisture absorption will increase considerably and the relative dielectric constant will be raised by OH groups in the film."

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Further, Yamada only includes examples of films formed from baking the coating film at 450°C. Accordingly, Yamada fails to teach the claimed baking temperature and thus fails to teach each and every limitation of the claimed organic film. Kurosawa teaches an organic film obtained by baking a coating film at a temperature of 450 °C or lower. Accordingly, Kurosawa fails to teach the claimed baking temperature and thus fails to teach each and every limitation of the claimed organic film. Hence, Applicants respectfully request the withdrawal of the anticipation rejection based on Yamada or Kurosawa.

35 USC § 103(a) Rejection over Yamada et al. or Kurosawa et al.

Claim 18-20 and 31-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yamada or Kurosawa or, in the alternative under 35 U.S.C. § 103(a) for allegedly being unpatentable over Yamada or Kurosawa.

As discussed above, neither Yamada nor Kurosawa teaches or suggests all the limitations of claims 17 or 30. Thus, claims 18-20 and 31-33 are patentable over the prior art for at least these reasons. Further, Yamada specifically teaches away from the present invention. Accordingly, Applicants respectfully request the withdrawal of the rejections under 102 or 103 of these claims.

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CONCLUSION

Applicants believe this response to be a full and complete response to the Office Action. In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 17-20 and 30-33. As the application is believed to be in condition for allowance, Applicants respectfully request a Notice of Allowability. The Examiner is invited to contact the undersigned representative should any further issues arise

Respectfully submitted,

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